

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 20, 2006

D045935 In re Marriage of Benson

The order is affirmed. Aaron, J.; We Concur: Nares, Acting P.J., O'Rourke, J.

D046745 Kovtun v. Deantoni

Affirmed. Irion, J.; We Concur: Benke, Acting P.J., Nares, J.

D048186 7-Eleven Inc., et al. v. Department of Alcoholic Beverage Control et al.

The petition is denied.

D047766 City of Oceanside v. Workers' Compensation Appeals Board et al.

The petition is denied.

D046568 Campo Band of Mission Indians v. Superior Court of San Diego/Bluehawk

Modification of opinion (no change in judgment) and denial of petition for rehearing.

D046916 Charles v. The Property People, Inc.

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 20(c)(2)).

D047767 Martinez v. Workers' Compensation Appeals Board and Town & Country Hotel et al.

The petition is denied.

D046783 Zenith Insurance Co. v. Workers' Compensation Appeals Board of the State of California et al.

The order denying reconsideration is annulled. The matter is remanded to the Board to grant the petition for reconsideration and conduct further proceedings in accordance with this opinion. McIntyre, J.; We Concur: McConnell, PJ, Irion, J.

D045751 Kuperman v. Gregory J. Smith, San Diego County Assessor

The judgment is affirmed. Respondent is awarded costs on appeal. CERTIFIED FOR PUBLICATION. McConnell, P.J.; I Concur: Huffman, J.; I Concur: Aaron (opinion).

D046331 In re Marriage of de Lozano and Lozano

The judgment of nullity is reversed. The order requiring Donna D. Ruffier de Lozano to pay Enrique H. Lozano's costs and a portion of his attorney fees is reversed. Donna D. Ruffier de Lozano to recover costs on appeal. Irion, J.; We Concur: McConnell, P.J., Benke, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 20, 2006 (Continued)

D045953 Roberts Cottages Association v. Chapin et al.

The judgment is reversed. The Owners are entitled to their costs on appeal. McConnell, PJ; We
Concur: Nares, J., Irion, J.

D046405 In re Barbara R., et al. Juveniles

The judgments are affirmed. CERTIFIED FOR PUBLICATION. Huffman, Acting P.J.;
I Concur: McDonald, J.; I dissent (by opinion): Benke, Acting P.J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 21, 2006

D045639 People v. Hutchinson

The judgment is affirmed. O'Rourke, J.; We Concur: Nares, Acting, P.J., Aaron, J.

D046599 Tracy v. Global Offshore International LTD et al.

The judgment is affirmed. McIntyre, J. We Concur: Huffman, Acting P.J., McDonald, J.

**D048060 Daneshia W. et al. v. Superior Court of San Diego County/San Diego County
Health and Human Services Agency**

The attorneys for petitioners Daneshia W. and Clarence J. have notified the court that after reviewing the record, they have decided not to file petitions for writ of mandate under California Rules of Court, rules 38.1 and 1436.5. The case is dismissed.

D048219 Fagan v. Superior Court of San Diego County/Ronda Kimmins et al.

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 22, 2006

D048225 Salum et al. v. Superior Court of San Diego County/Yunes de Name
The petition is denied.

D046930 People v. Shoemake
The judgment is affirmed. Aaron, J.; We Concur: McDonald, Acting, P.J., O'Rourke, J.

D046800 Roldan v. Castro
The judgment is reversed pursuant to the parties' stipulation. On remand, the superior court is directed to enter an order in accordance with this opinion and to dismiss the action with prejudice. The parties shall bear their own costs and fees on appeal. Nares, J.;
We Concur: McConnell, P.J., Irion, J.

D046095 In re Marriage of Contreras
The judgment is reversed as to the reimbursement rulings, and remanded for further proceedings. In all other respects the judgment is affirmed. Parties to bear their own costs on appeal.
Haller, J.; We Concur: Huffman, Acting P.J., McDonald, J.

D040473 Gober et al. v. Ralphs Grocery Company
The opinion in the above entitled case filed March 1, 2006, is modified. There is no change in judgment. The petition for rehearing is denied.

Court convened at 10:00 a.m.

Present: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices James McIntyre and Terry O'Rourke
Clerk: D. Moore

D045789 Warren et al. v. Sharabi
Cause called on merits. Robert Miller, Esq. argued for appellant. Louis E. Goebel, Esq. was present in oral argument for appellant, but did not argue. Frank E. Rogozienski, Esq. argued for respondent. Mr. Miller replied. Cause submitted.

Court adjourned at 10:41 a.m.

D046128 People v. Galkoski
The judgment is affirmed. Huffman, Acting P.J.; We Concur: Haller, J., McDonald, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

March 22, 2006 (Continued)

D047138 In re Megan M. et al., Juveniles

The judgment terminating parental rights is reversed, and the matter is remanded to the juvenile court with directions to order Agency (1) to make proper inquiry of the paternal grandmother in accordance with the views expressed in this opinion, (2) to comply with the notice provisions of ICWA, the relevant case law interpreting ICWA and the views expressed in this opinion, and (3) to file all required documentation with the juvenile court for the court's inspection. If, after proper inquiry and notice, a tribe claims that Megan and Noah are Indian children, the juvenile court shall proceed in conformity with all provisions of ICWA. If, on the other hand, no response is received or no tribe claims that Megan and Noah are Indian children, the judgment terminating parental rights shall be reinstated. Irion, J.; We Concur: McDonald, Acting P.J., Aaron, J.

D047201 In re E.L., a Juvenile

We reverse the order terminating jurisdiction and remand to the juvenile court for the purpose of assigning the costs of supervised visitation in a manner consistent with this opinion. The custody and visitation orders are reversed as to the assignment of cost of visitation to mother; in all other respects the orders are affirmed. Aaron, J.; We Concur: Nares, Acting P.J., Haller, J.

D047836 Voth v. Palomar Community College District

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 20(c)(2)).

D048233 Mushonga v. Superior Court of Imperial County/People

Petitioner Zacharias Mushonga's request for temporary stay is granted. The trial in this matter is stayed pending further order of this court.

The California Department of Corrections and Rehabilitation is directed to submit a response to the petition on or before April 14, 2006. Petitioner may submit a reply on or before April 28, 2006.

D048234 Vargas v. Superior Court of Imperial County/People

Petitioner Humberto Vargas's request for temporary stay is granted. The trial in this matter is stayed pending further order of this court.

The California Department of Corrections and Rehabilitation is directed to submit a response to the petition on or before April 14, 2006. Petitioner may submit a reply on or before April 28, 2006.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 23, 2006

D046390 People v. Young

The judgment is affirmed. McConnell, P.J.; We Concur: Benke, J., Irion, J.

D046250 People v. Edgar

The judgment is affirmed. O'Rourke, J.; We Concur: Huffman, Acting P.J., McDonald, J.

D047601 Citizens for Responsible Development et al. v. County of San Diego et al.

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately.

D046848 Peoples v. San Diego Unified School District et al.

Judgment affirmed. District to pay Peoples's costs on appeal. Haller, J.; We Concur: Nares, Acting P.J., O'Rourke, J.

D046537 People v. Young III

The judgment is affirmed in part and reversed in part. Young's convictions of counts 2 and 4, and the jury's true finding with respect to the count 1 gun enhancement allegation, are reversed. The judgment is affirmed with respect to the remaining counts and enhancement allegations. The matter is remanded for further proceedings. Nares, J.; We Concur: McConnell, P.J., Irion, J.

D048109 In re Peter Chang

We grant the request to take judicial notice of the record in D042603. The petition is denied without prejudice to refiling in San Diego Superior Court.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 24, 2006

D045560 In re the Marriage of Myers

The trial court's order denying the adjudication of omitted assets is affirmed. Wife to pay costs on appeal. Benke, Acting P.J.; We Concur: McIntyre, J., O'Rourke, J.

D047144 Williams v. Superior Court of San Diego County/People

Let a writ of mandate issue directing the superior court to vacate its order of June 17, 2005 (which adopted the same court's order of October 3, 2003) and enter an order consistent with this opinion, returning all of the remaining property to its respective owners: Williams and Charles. Neither party is awarded costs in these writ proceedings. (Cal. Rules of Court, rule 56(l)). The opinion will become final as to this court on the date of filing. (Cal. Rules of Court, rule 24(b)(3)). Huffman, Acting P.J.; We Concur: Haller, J., O'Rourke, J.

D044759 Campbell et al. v. Airtouch Cellular et al.

The judgment is affirmed. Nares, J; We Concur: McConnell, P.J., Benke, J.

D048187 Nidek Incorporated v. Superior Court of San Diego County/Williams et al.

The petition is denied.

D045570 People v. Guillen

The judgment is affirmed. Benke, J.; We Concur: McConnell, P.J. Nares, J.

D047939 In re Curtis on Habeas Corpus

The petition is denied.

D048057 Hoffman v. Stafford

Appellant's "Petition for Rehearing for Clarification" is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 24, 2006 (Continued)

D048048 Florentina G. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

No timely petition for writ relief (California Rules of Court, rule 38.1, 1436.5) has been filed. Additionally, the attorney for petitioner Florentina G. has notified the court on behalf of the petitioner that a petition will not be filed. The case is dismissed.

D048122 Ashley C. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

No timely petition for writ relief (California Rules of Court, rule 38.1, 1436.5) has been filed. Additionally, the attorney for petitioner Ashley C. has notified the court on behalf of the petitioner that a petition will not be filed. The case is dismissed.

D048067 Herr v. Superior Court of San Diego County/Northwest Development Company

The petition is denied.

D048267 Drews v. Superior Court of San Diego County/People

The petition is denied.

D047739 Carlton, Bentley & Penn v. Superior Court of San Diego County/Dreifuss Enterprises, Inc.

The petition is denied.

D048268 Dodds v. Superior Court of San Diego County/Sweetwater Hills Townhomes Owners Association

The petition is denied.

D048091 Mary R. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Mary R. has notified the court that a petition for writ of mandate under California Rules of Court, rule 38.1 and 1436.5 will not be filed as there are no viable issues for writ review. The case is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 24, 2006 (Continued)

D047995 Anna L. et al. v. Superior Court of San Diego/San Diego County Health and Human Services Agency

The attorneys for petitioners Anna L. and Roy C. have notified the court that after reviewing the record, they have decided not to file petitions for writ of mandate under California Rules of Court, rule 38.1 and 1436.5. The case is dismissed.

D046965 In re Beaudoin on Habeas Corpus

The petition is denied.